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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,545

02/26/2004

Ichiro Harashima

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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

EXAMINER

POLLACK, MELVIN H

ART UNIT

PAPER NUMBER

2145

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,545	Applicant(s) HARASHIMA ET AL.	
	Examiner MELVIN H. POLLACK	Art Unit 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02 April 2008 have been fully considered but they are not persuasive. An analysis of the arguments is provided below.

2. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the narrow definition of a file transfer system (P. 3)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Nothing in the claims indicate that a file transfer system is a peer-peer system, precludes a central repository or uses a central system that only contains tracking data. Nor is it defined as such in the specification. The common terminology known to one of ordinary skill in the art would be any system that facilitates the transfer of files, such as a file (document) management system.

3. In an alternative response to applicant's arguments, the recitation "file transfer system" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Here, the system performs the functionality of the method steps even if it contains a central repository, since the management system tracks

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changes, including movement to different locations (i.e. from one folder to another, or from one system to another, i.e. from client to server).

4. When creating a file, it is given a filename (unique ID) composed of two parts: a parent ID (folder name, or pathname) and child ID (particular file name). Examiner interprets the term sub-ID to indicate a component of the unique ID. If the ID is not unique, the file is overwritten, so the document management system contains mechanisms to ensure uniqueness. Folder names are also arbitrary, as defined in the common language. The examiner notes that there is no limitation requiring the new attribute information (i.e. the unique ID) to be created automatically and without user input.

5. Applicant argues that Yeung does not expressly disclose transferring a file (P. 3). As shown above, this argument requires a reading that does not fit the broadest reasonable interpretation. To get a file into the depository requires at least one file transfer, as does moving the document from a public folder to a private one. In doing so, one must inherently track the unique ID (filename) in order to not lose the file. Furthermore, attribute information is not limited to unique ID, but may also consider other attributes, including those not visible in the Posting Box.

6. The examiner interprets the phrase “accepting entry of file” to indicate the posting of a new file into the system (i.e. by transferring a file into a central repository). No claim limitation states a transfer of the file after accepting entry. When posting a new file to the central repository, the file is given a new unique ID (pathname + filename) updated within the system.

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When a file is changed, the unique ID may be updated (i.e. pathname reflects new folder), as does other information such as title, description and various dates (i.e. modified date).

7. Applicant argues that a file name need not be unique (P. 4). As stated above, a document manager system inherently requires unique document names in order to avoid overwriting of files.

8. Applicant argues that the Unique ID (pathname + filename) does not inherit from any attribute information from which the update derives. The pathname is based on information regarding folder location and identity, and the unique ID inherits from this information.

9. Applicant argues that parent sub-ID, or pathname, is not unique (P. 4). The claims as currently drawn require only the child sub-ID to be unique, presuming the broadest reasonable interpretation of the term sub-ID, as opposed to a narrower definition of sub-ID, i.e. tracking number, and based on examiner's best interpretation of an unclear limitation.

10. Applicant argues, regarding claim 3, that Yeung's tree does not show file transfer action data (P. 5). Examiner disagrees, based on the discussion given above regarding file transfers, And in light of the fact that the new unique ID is reflected in the tree display. No limitation of prior file locations or file transfers is included in the claim limitations.

11. Therefore, the rejection is maintained for the reasons above, and is final. The discussion above should adequately lay out how the examiner sees the claim limitations, and may indicate

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the need for clarifying amendments regarding the file transfer system structure and elements of the unique ID and sub-IDs.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Yeung et al. (7,171,468).

14. Yeung teaches a method and system (abstract) of managing file transfer actions in a shared file system among multiple clients (col. 1, line 1 – col. 4, line 67) via a central document management apparatus (col. 5, line 1 – col. 6, line 60). The system logs the history (col. 9, line 50) and provides the information by tree structure and flow models (col. 10, lines 15-55). The creation of a document includes the creation of attribute information (col. 11, line 30 – col. 12, line 10), and acceptance of the attribute information entry and the development of unique IDs and parent sub IDs (col. 15, line 45 – col. 17, line 65; wherein attribute info = meta data, unique ID = file name, and sub ID = file path or folder name) in a hierarchical structure (col. 18, lines 50-55). The information may then be displayed in an interface similar to that claimed (col. 21, line 15 – col. 29, line 35).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELVIN H. POLLACK whose telephone number is (571)272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. H. P./

Primary Examiner, Art Unit 2145

30 June 2008

/Jason D Cardone/

Supervisory Patent Examiner, Art Unit 2145